


B1040 (FORM 1040) (12/15)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> U.S. BANKRUPTCY COURT				
<b>PLAINTIFFS</b>  <div style="text-align: center;">Benjamin Klein</div>	<b>DEFENDANTS</b> 2019 JAN 11 P 2:40 Moshe Leib (Moses) Witriol, Yitzchok Dov (Isaac, George) Fisch, Rabbi Gabriel Stern, Zalman Dov Klein, Malky Fisch, Dina Klein, Aryeh Gutman, Schlomo Gutman, Aron Eagle, Jacob (Yossi) Eagle, Esther Klein, Avraham Lehrer, Joseph Maria, Does 1-100.					
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b>  Non yet. Ben Klein PO Box 747 (845) 694-4578 Monsey NY 10952	<b>ATTORNEYS (If Known)</b>  <div style="text-align: center;">Not known yet.</div>					
<b>PARTY (Check One Box Only)</b> <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee					
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b>  The following are the Titles in the 9 the Causes of Action in the attached Complaint: Stalking, Extortion, Fraud, Assault, Battery, Injury, Robbery, Automatic Stay, Corporation (asset), Property Distribution, and Receiver.						
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)						
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<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ No less than \$3,500,000.00.					
<b>Other Relief Sought</b> The following are the 9 Requested Reliefs in the Complaint: 3 Judgments & 2 Orders on Assets, 2 Property Distribution Determinations, Automatic Stay Determination, Order of Protection and everything else this court deems just and proper.						

**B1040 (FORM 1040) (12/15)**

<b>BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES</b>			
NAME OF DEBTOR Benjamin Klein		BANKRUPTCY CASE NO. 18-23417 RDD	
DISTRICT IN WHICH CASE IS PENDING Southern District of New York		DIVISION OFFICE White Plains	NAME OF JUDGE Hon. Robert D. Drain
<b>RELATED ADVERSARY PROCEEDING (IF ANY)</b>			
PLAINTIFF N/A	DEFENDANT		ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 			
DATE January 11, 2019		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Benjamin Klein	

**INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Moshe Leib (Moses) Witriol  
417 Schunnemunk Rd.  
Monroe, NY 10950

Schlomo Gutman  
34 Whispering Pine Lane  
Lakewood NJ 08701

Yitzchok Dov (Isaac, George) Fisch  
9 Howard Dr.  
Spring Valley NY 10977

Aron Eagle,  
1418-48<sup>th</sup> St.  
Brooklyn NY 11219

Rabbi Gabriel Stern  
5 Cedar Ln.  
Monsey NY 10952

Jacob (Yossi) Eagle,  
5717-19 18th Avenue  
Brooklyn, NY 11204

Zalman Dov Klein  
37 Rodney St.  
Brooklyn NY 11211

Esther Klein,  
11 Cedar Ln. Unit 102  
Monsey NY 10952

Malky Fisch  
9 Howard Dr.  
Spring Valley NY 10977

Avraham Lehrer  
6 Karen Dr.  
Spring Valley NY 10977

Dina Klein,  
37 Rodney St.  
Brooklyn NY 11211

Joseph Maria  
301 Old Tarrytown Rd.  
White Plains NY 10603

Aryeh Gutman,  
1451 45<sup>th</sup> St.  
Brooklyn NY 11219

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re,  
BENJAMIN KLEIN,  
PO Box 747  
Monsey NY 10952  
SSN xxx-xx-7215  
Debtor(s).

Case No. 18-23417 RDD  
Chapter 13

BENJAMIN KLEIN,

Plaintiff(s),

vs.

Moshe Leib (Moses) Witriol, Yitzchok  
Dov (Isaac, George) Fisch, Rabbi  
Gabriel Stern, Zalman Dov Klein, Malky  
Fisch, Dina Klein, Aryeh Gutman,  
Schlomo Gutman, Aron Eagle, Jacob  
(Yossi) Eagle, Esther Klein, Avraham  
Lehrer, (& upon leave granted) Joseph  
Maria, and Does 1-100,

Defendant(s).

Adversary No. 19-\_\_\_\_\_RDD

**VERIFIED COMPLAINT FOR  
INJUNCTIVE RELIEF AND  
DECLARATORY JUDGEMENT  
FOR NO LESS THAN \$3,500,000.00.**

**JURY DEMANDED**

*If possible. To shield this courts process  
from the alleged adversary's Pandora's  
Box.*

**Table of Contents**

I. Introduction	Page 2	Paragraphs 1 – 14
II. Causes of Action	Page 3	Paragraphs 15 – 69
III. Relief	Page 9	Paragraphs 70 – 79
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Plaintiff Benjamin Klein, (*individually and on behalf of all others similarly situated*) alleges as follows:

## **I. Introduction** (General Background)

1. Plaintiff is familiar with the Jewish Hasidic Power Structure and Oppression under the color of Law and Natural Law.

2. The Satmar Hasidic Sect is the largest and (culturally & otherwise) the most aggressive of all the (competing) Hasidic Sects globally and takes the lead on initiatives (on which the sects cooperate and conspire), including self Segregation. Especially the Education and content available to it's populations.

3. *The current Satmar Grand Rabbis' (brothers Rabbi Aron and Rabbi Zalman Teitelbaum) great uncle* Rabbi Joel Teitelbaum co-founded the Satmar Hasidic Sect (a/k/a Satmar Dynasty<sup>1</sup>) with *(the Plaintiff's great uncle)* Lipa Friedman, for young World War II refugees. And controlled the sect with an iron fist, and established in general the control mechanisms for Hasidic populations.

4. *Plaintiff grew up Hasidic in Affiliated Populations, meaning not being a member of any large sect. Due to paternal lineage (not a WWII refugee). Plaintiff's grandfather (not a Rabbi) controlled the synagogue across the street from the main Satmar synagogue on Rodney Street in Brooklyn NY. The latter is the largest in the area, with the former being the largest before the latter was built in 1968.*

5. *There were no competitive tensions between the 2 synagogues members due to the former being centrist Hasidic (and non Rabbinic family), and the latter ultra-right Hasidic.* And to this day (of filing this Complaint) there is no tension between Plaintiff and any members of any Hasidic sect. Other than with the individuals involved in maintaining the Segregation and Wall of Silence.

6. In the last 1-2 decades the (dozen largest) global sects have institutionalized their control mechanisms for their own populations, inter-sect controls and the controls for Affiliated Populations in their Jurisdictional Territories. Crossing the line, transitioned into cults and positioned themselves as sovereigns (to internal populations) within other states and countries.

7. Including in the United States. With the laws and populations of the United States (and it's member States) being a technical Foreign Relations issue. Dealt with Foreign Relations personnel appointed by unelected leaders. Including on deciding who may run for public office (an external Foreign Relations function), campaign internally or voice concerns internally or externally.

8. Including the fact that the Non Profit and Governmental Organizations the sect leaders form or control are structured according to United States (and member States) laws only at the Facade. Meaning a Front to misrepresent it's purpose and shield it's activities. When there is scrutiny it's structured somewhat beyond the Facade. To delay, obstruct and adapt.

9. Therefore the organizational legal documents, it's officers and the hierarchy are fraudulently listed in the reverse order of the actual hierarchy. So it's leaders can stay away from the Facade, the light and their own people as much as possible. Thriving in shadows.

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<sup>1</sup> [https://en.wikipedia.org/wiki/Joel\\_Teitelbaum](https://en.wikipedia.org/wiki/Joel_Teitelbaum)

10. In the last decade the Enterprise ramped up its clamp down on information flowing to its populations. By controlling the content in the Orthodox Jewish media and retail outlets globally. And cutting off access to the internet via forcing the populations to submit all devices (that can access the internet) to TAG (Technology Awareness Group). TAG is a global organization setup by Enterprise leaders.

11. Anyone who doesn't comply gets extorted. In example, threats of expelling their kids from school. Anyone internally (born into a sect or Affiliated Populations like the Plaintiff) who refuses or can not follow the rules and puts at risk the Segregation and Wall of Silence, gets extorted out of the Enterprise's Jurisdictional Territories.

12. The Rockland Family Court signed an Order of Protection against Defendants Yitzchok Fisch and Malky Fisch. To protect Plaintiff's minor children from Sexual Exploitation. And there is virtually 100% certainty that Defendant Yitzchok Fisch, Malky Fisch and affiliated pedophiles will Sexually Exploit the Plaintiffs future grandkids.

13. The certainty is based on the way and the number of family members (of the Plaintiffs 6 member family) these pedophile's pursued in the past. And due to the details below, above, and numerous other factors.

14. And because of the fact that Enterprise leaders refuse to stop silencing and Oppress all who voice concern on Child Sexual Exploitation, including against Plaintiff and his child, the Plaintiff has no choice but to state to this court the facts and pleadings herein.

## **II. Causes of Action**

### **Count 1**

**Oppression under the color of Law Enforcement**  
Stalking and extorting plaintiff and all his contacts.

15. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

16. Named Defendant Moses Witriol is the Chief of Police in the Village of Kiryas Joel in Orange County in New York. Formally known as the "Chief Constable of the Department of Public Safety, Village of Kiryas Joel".

17. As the chief law enforcement officer of the village, Moses Witriol is sworn to uphold the Constitution of the State of New York and of the United States. And answer to the courts. When in fact that is a Facade. Moses Witriol is a mid level enforcer in the Enterprise. His primary function is to investigate and enforce violations of Enterprise rules and the arbitrary will of its leaders.

18. Named Defendant Zalman Klein is a top level enforcer in the Enterprise. He conspires, extorts, aids and abets to take down the toughest risks to self Segregation and the Wall of Silence. In example Named Defendant Zalman Klein was involved in taking down Sam Kellner. As described in the following article: <https://www.newyorker.com/magazine/2014/11/10/outcast-3>

19. Plaintiff struggled to protect his kids from Sexual Exploitation by Defendant Yitzchok Fisch, Malky Fisch and affiliated pedophiles. Defendants Moses Witriol, Yitzchok Fisch, Rabbi Gabriel Stern, Zalman Klein, Malky Fisch, and Esther Klein at the Facade (of the scheme) and the other Defendants named in the shadows conspired to Stalk and harm Plaintiff.

20. Including to sabotage and extort all his contacts, especially all opportunities to earn income. Starting no later than 2013. Including electronically tracking Plaintiff's vehicle for this purpose. For the purpose to silence Plaintiff from protecting his kids from sexual abuse. All this is documented (including depositions under oath) in the matrimonial action (Rockland County NY Index No. 002243/2013) with Judge Berliner presiding.

21. Due to judicial abuse of discretion *and the influence of Faith Miller (wife of Alan Scheinkman the Presiding Justice of the Appellate Division 2<sup>nd</sup> Dept.)* on the case, Plaintiff does not yet have access to the files or the trial transcript.

22. Attached as Exhibit A is a letter describing Ex Parte communication between Faith Millers law firm and the Administrative Judge of the 9<sup>th</sup> Judicial District. Her husband's former position and the direct superior to Judge Berliner. When Plaintiffs attorney requested from Faith Miller the details of the ex parte communications, she responded "that is not of your concern".

**Count 2**  
**Felony fraud and extortion 1**  
**Modus Operandi**

23. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

24. In the last decade the Enterprise has become sophisticated. The various individuals in the Enterprise, each with their specialty functions, position themselves as adversaries including in litigation. They then scheme, defraud and plunder everyone on all sides of the dispute and everyone in between they can opportunistically entangle in the situation.

25. Sometimes the situations the Enterprise creates gets very mind bending and impossible to untangle in civil actions, other than in a RICO action, designed by congress for this purpose.

26. In Plaintiffs situation, due to the above and below, all the named Defendants have targeted the Plaintiff, directly and / or aided and abetted others in the Enterprise to target Plaintiff, non stop for many years, including within the last 10 years with Felony Frauds. Plundering and destroying all value of all of the Plaintiffs assets.

27. No less than one named Defendant in this Complaint was arrested and charged for no less than one felony fraud that was directed against Plaintiff.

**Count 3**

**Felony fraud and extortion 2**

The 2 Gutman Defendants and 2 Eagle Defendants at the Facade (of the scheme) and the other Defendants named in the shadows.

28. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

29. Defendants Aryeh Gutman, Shloime Gutman, Aron Eagle, and Jacob Eagle at the Facade (the front individuals) and all the other named Defendants (in the shadows) conspired and schemed to defraud and sabotage the Plaintiffs business activities known as the Wiener Drive development. The Wiener Drive development is a 90 unit Real Estate development on Wiener Drive (off Route 306) in Rockland County NY.

30. Including fraudulent conveyances, lis pendences, and numerous other fraudulent schemes sent via mail, electronic communications and filings. Causing direct damages to Plaintiff for no less than 7 digit figures in United States dollars.

**Count 4**

**Felony fraud and extortion 3**

Defendants Dina Klein and Esther Klein are at the Facade (of the scheme) and all the other named Defendants conspired from the shadows.

31. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

32. Defendants Dina Klein and Esther Klein at the Facade (the front individuals) and all the other named Defendants conspired to defraud and sabotage the Plaintiffs value in Paz Construction LLC a marital asset.

33. Including fraudulent conveyances and misrepresentations. As per Defendant Esther Klein's deposition testimony "it was orchestrated by (Defendant) Zalman Klein". "He sent people to me" ... "Rabbi Gabriel Stern and others" .... "they forced me to cooperate" .... "it was done to harm Benjamin (Plaintiff)" ... "I gave the check (payable to Plaintiff) to my father (Defendant Yitzchok Fisch)" ... "He deposited it in the Gmach (an unlicensed bank utilized by the Enterprise)" ... "I changed the address for the corporation to the Gmach's address"...."so Benjamin (Plaintiff) shouldn't realize the plan (scheme)".

**Count 5**

**Paz Construction LLC**

**Abuse of Discretion**

34. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

35. Paz Construction LLC is marital asset. Defendant Esther Klein schemed with other named Defendants to dissipate this asset as described in Count 4. And Judge Berliner in the matrimonial action refused to address or allow anything related to Paz Construction LLC to be addressed in court.



**Count 6**

**Assault, Felony Battery, Bodily Injury and Robbery**

Defendants Yitschok Fisch and Avraham Lehrer are at the Facade  
(of the scheme) and all the other named Defendants conspired from the shadows.

36. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

37. On a date later than February 2016, Defendants Yitschok Fisch and Avraham Lehrer are at the Facade of the scheme and the other Defendants named are in the shadows when they conspired, assaulted, felony battered, robbed, and caused bodily injury to Plaintiff.

38. No less than one named Defendant in this Complaint was arrested and charged for no less than one violent felony inflicted against Plaintiff.

39. Due to the facts above and below, Plaintiff does not have medical coverage for himself (insurance or otherwise), since more than 7 years ago.

**Count 7**

**Automatic Stay**

40. Plaintiff incorporates by reference all preceding paragraphs, and the Plaintiffs three affidavits in Case No. 18-23417-RDD (Doc 27, Doc 35, and Doc 36) all as if fully set forth herein.

41. Joseph Maria misrepresented the facts when he stated in his affidavit (Doc 15-1) for the motion to lift stay that he had an arms length buyer who didn't sign the contract because of the Stay. In fact the buyers attorney notified Joseph Maria on September 7, 2018 that he will not sign a contract and has no interest in the property.

42. And he has not been in contact with the "back-up offer" since July. And Joseph Maria falsely states under oath (twice: Doc 15-1 page 2 and Doc 29 page 1) that the State Court ordered the Plaintiff to pay rent. In fact Joseph Maria called the January 8, 2018 hearing in State Court to ask the Judge to order the Plaintiff to pay rent.

43. The Judge declined to order it. As described below in paragraphs 61 - 62 the State court only enforced lump sum payments, demonstrating that it's Property Distribution under the color of DSO (Domestic Support Obligations).

44. And Joseph Maria misrepresented the facts when he states in his affidavit Doc 29 page 1: "I paid all the bills we had funds to pay." and when he stated on the record in this court at the November 28, 2018 hearing that he only has \$6,000.00.

45. His own bank statement (Doc 29-2 page 2) states that he has a balance \$7,793.38 on October 11, 2018. And he admits receiving directly Hamaspik checks of \$1472.00 every first of the month. That alone for November 1, December and January 1 equals to \$12,209.38.

46. Yet when Plaintiffs attorney reaches out in good faith to Joseph Maria to Stipulate an orderly solution to the issues (as this court has suggested at the November 28, 2018 hearing) Joseph

Maria responds with a letter attached as Exhibit B. Stating "No money to pay chase" and refuses to Stipulate, stating he will not relinquish any of his [abuse] of powers and authority. And threatens with sanctions (fees).

47. Attached as Exhibit C is Plaintiff's email to his attorney on getting clarification from Joseph Maria on his vague and confusing letter. Plaintiff did not further push his attorney on following through on this because he only paid his attorney \$2500.00, Plaintiffs attorney is swamped with other work.

48. And it's unlikely Joseph Maria will stop abusing his power without relief from this court. And Plaintiff struggled to get the following urgent documents filed on time: Answers to the 3 motions to dismiss/ lift stay, Modified Assets, Modified DSO Claim and this Adversary Proceeding.

49. As per paragraph 45 above, Joseph Maria has no less than \$12,209.38 of Plaintiffs funds. And Chase Bank currently only expects \$1500.00 monthly. As per Doc 35-2 page 4. With post petition arrears of only \$10,197.45. Minus \$1200.00 which Plaintiffs attorney already paid. Which brings down the total post petition arrears (Chase currently expects paid) to \$8,997.45.

50. And he refuses to pay and refuses to provide bank statement prior to August 2018. And refuses to provide accounting for the no less than the \$10,000.00 that is missing. And Judge Berliner in the matrimonial action refused to address the issue. And abused his discretion to further silence the Plaintiff, when Plaintiff tried to compel Joseph Maria to account.

51. The State Courts Property Distribution order (Doc 15-3 of Case No. 18-23417-RDD) is dated September 25, 2018, is abuse of discretion (& judicial immunity) and a willful **direct violation of the automatic stay**. Which took effect on September 13, 2018.

52. There is numerous other instances on the record of willful abuse of discretion. Including refusing to address willful sabotage of a child's medical coverage for 6 months while the child suffered from medical issues.

53. And the States Courts conclusion (Doc 19 Page 3) was proven and is easily provable to defy reality, to be ironic and inhumane. And those findings were based under the color of a 2<sup>nd</sup> matrimonial trial, arranged by Faith Miller a few months after the 1<sup>st</sup> matrimonial trial concluded. To Oppress Plaintiff.

54. Lifting the Stay and allowing Judge Berliner any further judicial discretion on this Estate will cause irreparable harm to all concerned including Creditors, Plaintiff (& his child) and the Estate. They will continue to deplete the assets of the Estate at the expense of other Creditors and Plaintiff (& child). And senselessly inflict damage to the Estate, in every way they can. In example as described in Count 9 below.

55. There is no harm to creditors if the Stay is not lifted. Including the parties moving to lift the Stay or Dismiss. As described in Count 8 below. And Plaintiff is willing to Stipulate in good faith any and all issues that may arise due to the Stay.

**Count 8**

**Property Distribution and Debt Limits**

56. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

57. Partial or all of the Property Distributions, Decided or Ordered in the matrimonial action (with some being under the color of DSO as described below) is Contingent. As described in Plaintiff's affidavit Doc 36 paragraphs 16 to 18 (of Case No. 18-23417-RDD).

58. And another reason it's **Contingent** is because the claim only becomes due after the property is sold. It has not been sold nor is there a contract for sale nor any interested arms length party to buy the property. Therefore it's also **Unliquidated**. And **Secured** because the Creditors name is on the deed and it's Secured by Real Property.

59. And these 3 elements also apply to no less than to a partial amount of the DSO. Which under Federal Law is Property Distribution. The record shows that the Creditor has no shortage funds.

60. For new cars, shopping sprees etc. And resides in a 3 story home with 5 bedrooms, for only herself and adult daughter (who is a full time teacher at \$18 an hour). And 4 attorneys from 2 law firms at the matrimonial trial. And for a 2<sup>nd</sup> matrimonial trial, as described above in paragraph 53. And the Creditor admitted at the 1<sup>st</sup> trial, under oath that only one (of many) sources of her income provides 4 times what she declared on her Tax Return.

61 And these claims are intended as lump sum payments under the color of monthly payments. And no less than partial of the DSO is intended to be collected only from the sale of Marital Home.

62. And evidence demonstrates: a. An overbearing against Plaintiff. b. A financial Situation of need and minor child only with Plaintiff and, c. The Function of Obligation is clearly not for daily necessities like food and shelter. It actually Functions as a means to deny Plaintiff and his child daily necessities like food and shelter. Therefore Judge Berliner never got his hands too dirty on enforcing non lump sum payments.

63. The Creditor's calculations (Doc 31 page 4) is false. Maintenance of \$3,500.00 minus child support to Plaintiff of \$1,055.00 is \$2,445.00. Times 5 years, that is a maximum amount of \$146,700. And some of that was paid, over the years. And as mentioned above in paragraph 21 Plaintiff does not yet have access to the files.

**Count 9**

**Receiver**

Willful violation of  
fiduciary duty and Abuse of Discretion.

64. Plaintiff incorporates by reference all preceding paragraphs, as if fully set forth herein.

65. (If necessary as per paragraph 73 below: upon leave.) Defendant Joseph Maria is the rental receiver for the marital home. Since January 1, 2018 *(when Alan Scheinkman was appointed the*

*presiding justice in the Appellate Division*) Joseph Maria became emboldened to please Faith Miller *(an opposing attorney hired by the Enterprise to Oppress Plaintiff)* and cause willful and senseless harm to Plaintiff.

66. Since January 1, 2018 he refused and still refuses to pay bills (including Chase Bank the Secured Creditor).

67. Defendant Joseph Maria caused direct damage to the boilers. One boiler got extensively damaged, it won't last long, and needs to be entirely replaced.

68. He willfully got the insurance policy canceled by refusing to pay the premiums. Plaintiff notified Joseph Maria multiple times in writing, that if the policy gets canceled for non payment the premiums will rise significantly and it did. He willfully ignored numerous shut off warnings of the utilities for non payment. Causing serious issues with tenants. Creating loses in rent.

69. After numerous requests throughout 2018, including in this court, Joseph Maria refuses to provide accounting. And refuses to provide accounting for the no less than \$10,000.00 that is missing.

### **III. Relief Requested**

**Wherefore,**

#### **Assets**

70. Plaintiff requests an order to direct the Plaintiff's Tenant named Hamaspiik to pay their monthly rent of \$1472.00 directly to the Secured Creditor: Chase Bank, PO Box 78420, Phoenix AZ 85062-8420. Or in escrow to attorney Robert S. Lewis, Esq., 53 Burd St., Nyack NY 10960, who will pay Chase.

71. Plaintiff requests an order to direct Joseph Maria to pay Chase Bank \$12,209.38, any additional rental funds he collects after January 2019, and provide accounting of all rental funds he collected and expended on behalf of Plaintiff.

72. (If necessary: Plaintiff requests leave from this court to request judgment against Joseph Maria. Upon this court granting leave,) Plaintiff requests judgment against Joseph Maria for no less than \$10,000.00.

73. Plaintiff requests judgment against all other named Defendants for no less than \$3,500,000.00.

74. Plaintiff requests judgment against Esther Klein and move Paz Construction LLC into the Bankruptcy Estate under the control of the Plaintiff, Robert Lewis Esq., or the Trustee.

Automatic Stay

75. Plaintiff requests a determination for the benefit of Plaintiff and his child, Creditors, the Estate and all other numerous parties and populations this action concerns, that the Automatic Stay stays in full force and effect during the pendency of this action.

Property Distribution

76. Plaintiff requests a determination that classifies Judge Berliners DSO Decision on June 13, 2018 and the prior order in 2016, as Property Distribution under Federal Law.

77. Plaintiff requests a determination that classifies no less than a partial of the Property Distribution Decision and (non void) Orders from the State Court or this court to be Contingent, Unliquidated, and / or Secured under Federal Law.

Order of Protection

78. Plaintiff requests an Order of Protection against all listed Defendants *temporarily* during pendency of this action, and *permanently* thereafter.

79. Plaintiff requests a determination on everything else this court deems just and proper.

III. Jury? & Verification

Jury Demand

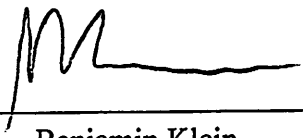
80. Plaintiff hereby demands trial by jury on all issues triable to a jury lawfully convened.

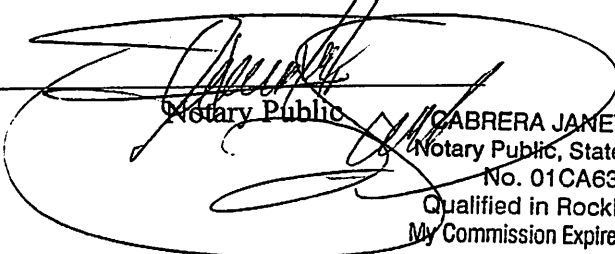
Verification

State of New York,  
County of ROCKLAND

I, Benjamin Klein, the Plaintiff in the above entitled action, hereby verify under the penalty of perjury, that the above statement of facts and laws is true and correct, according to the best of my knowledge.

Sworn to before me this 11<sup>TH</sup> day  
of JANUARY, 2019

  
\_\_\_\_\_  
Benjamin Klein

  
\_\_\_\_\_  
Notary Public  
CABRERA JANETH MAGALI  
Notary Public, State of New York  
No. 01CA6308495  
Qualified in Rockland County  
My Commission Expires Jul 28, 2022



**MILLER ZEIDERMAN & WIEDERKEHR LLP**  
ATTORNEYS AT LAW

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EVAN WIEDERKEHR  
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SHIVANI SHREEDHAR\*\*\*  
EMILY C. WALSH  
LIZA YERES\*\*  
JOHN P. CORRIGAN\*  
OF COUNSEL  
\*MEMBER OF NY & CT BARS  
\*\*MEMBER OF NY & NJ BARS  
\*\*\*MEMBER OF NY & MA BARS

May 21, 2018

Via Facsimile

Hon. Robert M. Berliner  
One South Main Street  
New City, NY 10956

Re: Benjamin Klein vs. Esther Klein  
Supreme Court, Rockland County  
Index No.: 002243/2013

Dear Judge Berliner:

This firm represents the Defendant, Esther Klein and the Plaintiff is represented by Jeffery Schonbrun, Esq. in the above-referenced matter.

The trial concluded in May 2017 and the post-trial briefs were submitted to the Court on October 27, 2017. Thereafter, on or about February 23, 2018, our office received correspondence from the Administrative Judge's office that stated that "the decision would be forthcoming in early March." I am writing to respectfully inquire as to the status of the Decision and Order.

The Court's continued courtesies are appreciated.

Respectfully,

  
Ashley Kersting

cc: Jeffrey Schonbrun, Esq. (via e-mail)  
Esther Klein (via e-mail)

Exhibit

A

Joseph A. Maria

**JOSEPH A. MARIA, P.C.**

ATTORNEYS AT LAW

Frances D. Marinelli

301 Old Tarrytown Road  
White Plains, New York 10603  
Telephone: 914-684-0333  
Facsimile: 914-684-9772  
E-mail: JMariaPC@optonline.net

January 3, 2019

robert.lewlaw1@gmail.com

Robert S. Lewis, Esq.  
53 Burd St.  
Nyack, New York 10960

RE: Klein, Benjamin v. Klein, Esther (Receivership)  
Our File No.: 06-0650

Dear Mr. Lewis,

This order is not acceptable.

1. No restriction on bills he pays
2. The amount of funds are not correct
3. No money to pay chase

The order should simply say

Joseph A. Maria is the receiver and his power and authority continue pursuant to New York State law. If Mr. Klein does not agree to this, I will seek a court order from the bankruptcy judge and request fees for same.

Very truly yours,

JOSEPH A. MARIA, P.C.

By: Joseph A. Maria

JAM/jr

Exhibit B

Page 1 of 3
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

BENJAMIN KLEIN

**STIPULATION OF PAYMENT**

Chapter 13  
Case No. 18-2341

Debtor:

-----X

**IT IS HEREBY STIPULATED, AGREED, AND SO ORDERED**, by and between Joseph Maria (receiver) acting as a rent receiver and Benjamin Klein (Debtor), through his attorney Robert S. Lewis, Esq., that Mr. Joseph Maria shall continue to collect and disburse the rental income for property 68 Decatur Avenue Spring Valley, New York for all property bills, utilities and Chase Bank, N.A through the duration of the Chapter 13 Plan as ordered as of July 1, 2016 from the Amended Order signed by Judge Walsh.

**WHEREAS**, the funds currently in possession with said receiver Joseph Maria in the minimum amount of \$10,737.45 (according to the filed accounting statement), shall be disbursed to pay the arrears to Chase Bank, N.A pursuant to their Objection to Confirmation filed on October 30, 2018 as Docket No. [17].

**WHEREAS**, Joseph Maria, Esq. shall disclose any and all past and future collections, payments and transactions in relation to the debtor's property 68 Decatur Avenue Spring Valley, New York by January 4, 2019 and as of February 2019, each and every month by the 10<sup>th</sup> of the month, and forward the remaining funds to the Trustee Krista Preuss, and it appearing that said agreement is proper and in the best interest to both the creditors and debtor;

**IT IS NOW, THEREFORE, STIPULATED** by and between the parties that said receiver Joseph Maria shall continue to collect and disburse the rental income for property 68 Decatur Avenue Spring Valley, New York for all property bills, utilities and Chase Bank, N.A through the duration of the Chapter 13 Plan. In any event that the receiver fails to complete the terms stipulated, or pay all property bills, utilities and Chase Bank, N.A by the end of each and every month, Robert S. Lewis, Esq. shall become the receiver for the duration of this Chapter 13 Plan, and the receivership transfer of which shall be executed via the court order attached.

This Stipulation may be signed in counter-parts and facsimile signatures in execution of the Stipulation are hereby deemed original signatures.

Dated: Nyack, New York  
December 21, 2018

**ROBERT S. LEWIS, PC**

Robert S. Lewis, Esq.  
53 Burd Street  
Nyack, NY 10960

Exhibit Page  
B 2 of 3



Dated: White Plains, New York  
December \_\_, 2018

**JOSEPH MARIA, P.C**

---

Joseph Maria, Esq.  
301 Old Tarrytown Road  
White Plains, NY 10603

**SO ORDERED:**  
White Plains, New York  
December \_\_, 2018

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UNITED STATES BANKRUPTCY JUDGE

Exhibit  
B

Page 3 of 3
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Ben Klein <benmail914@gmail.com>

---

(no subject)

---

Ben Klein <benmail914@gmail.com>

To: Robert Lewis <Robert.LewLaw1@gmail.com>

Sun, Jan 6, 2019 at 10:04 AM

Hi, on the attached on 1/3/19 letter from Maria, can you ask him:

1. What does number 1 in his attached 1/3/19 letter mean?

Can he please reply with the words he wants added to satisfy this?

2. On number 2 in his attached 1/3/19 letter:

What funds does he have and why hasn't he provided full accounting since inception after numerous requests since May 2018?

3. On number 3 in his attached 1/3/19 letter:

Why after December 2017 (since Alan Sheinkman became Presiding Justice of Appellate 2nd Dept. on 1/1/18) doesn't he pay Chase arrears and \$1500 monthly with the funds he has?

As per Chase statements, \$1500 monthly is due to Chase every 20th of month.

Best,  
Ben  
cell 845.694.4578

----- Forwarded message -----

From: "Robert Lewis" <robert.lewlaw1@gmail.com>

Date: Jan 3, 2019 7:42 PM

Subject:

To: <benmail914@gmail.com>

Cc:

---

 ltr-Mr. Lewis.pdf  
862K

Exhibit

C